IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.119 OF 1995
CONNECTED WITH
COMPANY APPLICATION NO.305 OF 1994
IN
COMPANY PETITION NO.1 OF 1982

Ashok C.Karnani & Ors. ...Petitioners

Versus

Bradbury Mills Ltd. ...Respondents

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Mr.M.A.Banatwala with Mr.Ranawat Jeetendra i/b Banatwala & Co. for Petitioners.

Mr.Vatsal Shah i/b Kanga & Co. for UCO Bank.

Mr.S.Ramakantha, Dy.Official Liquidator is present.

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**CORAM: A.M.KHANWILKAR, J.**

**DECEMBER 19, 2007.**

**P.C.**

1. Counsel for the Petitioners states that as per his instructions, Petitioner No.1 has expired in May 2005. He further states that Petitioner No.2 has questioned the authority of the Advocate to espouse the cause of the Petitioner No.2 in the present proceedings. That stand is taken by the

Petitioner No.2 in some related proceedings between the parties. In the circumstances, the Advocate submits that he may not be in a position to represent Petitioner No.2, though party to the present Petition. At the same time, the Petitioner No.2 has not moved this Court for appropriate directions inspite of having taken such stand. In that sense, the Petitioner No.2 is not interested in prosecuting the present proceedings.

2. Insofar as Petitioner No.3 is concerned, Advocate on record submits that even Petitioner No.3 is uncontactable for quite some time and no instructions are forthcoming from him.

3. Besides, Counsel appearing for the UCO Bank states that question of revival of the Respondent Company which is in liquidation is totally ruled out, for the simple reason that all the assets of the Respondent Company have already been disposed of. Indeed, the Official Liquidator has questioned the correctness of the said transaction. Moreover, I am informed that related matters are pending before the Apex Court. The

fact remains that the Company is not functioning since 1983. Except the land, there is no other significant asset of the Respondent Company. The question of considering relief of revival of the Respondent Company in this backdrop is ruled out.

4. Suffice it to observe that this Petition is dismissed for non-prosecution for the reasons mentioned by the Advocate for the Petitioners already indicated earlier.

A.M.KHANWILKAR, J.